



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

#18

AVERILL & VARN  
8244 PAINTER AVE  
WHITTIER CA 90602

COPY MAILED

MAR 05 2008

OFFICE OF PETITIONS

In re Application of :  
Dressendorfer, et al. :  
Application No. 09/823,204 : ON PETITION  
Filed: April 2, 2001 :  
Attorney Docket No. 135/128 :

This is a decision on the petition filed on August 6, 2006, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely respond to the final Office action mailed on December 26, 2002. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the above-identified application became abandoned on February 27, 2003. The Office mailed a Notice of Abandonment on July 15, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition does not contain a handwritten or S-signature pursuant to 37 CFR 1.4(d). This defect must be corrected upon request for reconsideration.

Furthermore, it is noted that the instant petition was filed more than three years after the mailing of the Notice of Abandonment, an extended period of time. Petitioner must explain why the petition to revive was not filed promptly, particularly in light of the fact that the Interview Summary mailed July 7, 2003 indicates that the applicants' representative confirmed that the application was abandoned.

Further correspondence with respect to this decision should be addressed as follows:

By mail:           Mail Stop Petitions  
                  Commissioner for Patents  
                  PO Box 1450  
                  Alexandria VA 22313-1450

By FAX:           (571)273-8300  
                  Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions